



Testimony in Support of LD 551:

“An Act to Allow Expenditure of Maine Clean Election Act Funding for the Care of Candidates' Dependents”

Senator Baldacci, Representative Salisbury, and the distinguished members of the Committee on State and Local Government, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to testify on this critical issue of governmental accountability and constitutional balance.

LD 551 is a necessary reform to ensure that emergency powers in Maine remain consistent with our democratic principles and constitutional framework. The COVID-19 pandemic exposed serious flaws in the state’s emergency governance structure, as prolonged emergency declarations consolidated executive power and largely sidelined the legislature from critical decision-making processes. While emergency powers are necessary in times of crisis, they must be limited, transparent, and subject to legislative oversight to prevent executive overreach.

The Problem: Unchecked Executive Authority

Under current law, the Governor of Maine can unilaterally declare a state of emergency and extend it indefinitely, subject to minimal legislative checks.¹ The prolonged use of emergency powers during the COVID-19 pandemic resulted in policies that profoundly impacted Mainer’s lives, livelihoods, and liberties without sufficient legislative scrutiny or input from their elected representatives.

Emergency powers are intended to address immediate, short-term crises, not to serve as a mechanism for sustained unilateral governance. Without meaningful legislative oversight, executive authority risks becoming excessive, diminishing the legislature's fundamental role as a co-equal branch of government.

The Solution: Restoring Constitutional Balance

LD 551 proposes several necessary reforms that would restore proper legislative oversight to emergency powers, including:

1. **Time Limits on Emergency Declarations** – Ensuring that emergency powers are limited in duration, requiring legislative approval for extensions beyond an initial time period.

¹ <https://mainepolicy.org/emergency-powers-2023-edition/>



2. **Legislative Oversight and Renewal** – Requiring explicit legislative approval for extending emergency declarations beyond a reasonable timeframe, ensuring that prolonged crises are managed with input from the people's representatives.
3. **Transparency and Public Accountability** – Mandating transparent reporting and justification for emergency actions allows the public and the legislature to hold the executive branch accountable.

Why This Matters for Maine

Maine is not alone in recognizing the need for emergency power reform. Over 30 states have enacted or considered legislative changes to ensure emergency powers remain temporary and accountable. States such as Michigan, North Carolina, and Pennsylvania have passed measures limiting independent executive action and increasing legislative oversight of emergency powers.²

LD 551 aligns with Maine's tradition of transparent, representative government by ensuring that emergency decision-making remains subject to the rule of law and democratic oversight. The bill does not hinder the government's ability to respond to emergencies, but rather ensures that crisis responses remain proportional, temporary, and accountable.

Conclusion

Maine Policy Institute strongly supports LD 551 as a vital safeguard against executive overreach, and as an essential measure to restore balanced governance. Emergency powers must remain a tool for addressing crises, not a means for bypassing legislative scrutiny. We urge this committee to pass LD 551 and reaffirm Maine's commitment to constitutional governance and individual liberty. Thank you for your time and consideration.

² <https://www.ncsl.org/about-state-legislatures/legislative-oversight-of-emergency-executive-powers>